


LAWRENCE POLICE DEPARTMENT		Department Manual: Policy No. 1.10
Subject: Use of Force		
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 1.3.1; 1.3.2; 1.3.3; 1.3.4; 1.3.5; 1.3.6; 1.3.7; 1.3.8; 1.3.9		GENERAL ORDER 2018-13
Effective Date: September 21, 2018	Issuing Authority <i>Roy P. Vasque</i> Roy P. Vasque Chief of Police	

I. RECISION

Effective immediately, General Order 2016-10 titled “Use of Force” is rescinded and replaced with General Order 2018-13. In the event that this order is in conflict with any previously issued order, rule, regulation, directive, policy or procedure, then this order shall take precedence.

II. GENERAL CONSIDERATIONS AND GUIDELINES

Because of their law enforcement and peacekeeping role, police officers will be required at times to resort to the use of physical force to enable them to fully carry out their responsibilities. The Lawrence Police Department’s policy on the use of force emphasizes the sanctity of life, de-escalation techniques and the health and wellbeing of every citizen. Police officers are confronted continually with situations requiring or resulting in the use of various degrees of force to affect a lawful arrest, to ensure public safety, or to protect themselves or others from harm. The degree of force used is dependent upon the facts surrounding the situation the officer faces. Only a reasonable and necessary amount of force may be used. The degree of force the officer is compelled to use is dependent upon the amount of resistance or threat to safety the situation produces.

The objective of the use of force is to maintain and/or reestablish control over a situation. Control is reached when a person complies with the officer's directions and/or the suspect is

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restrained or apprehended and no longer presents a threat to the officer or another. Since an officer will encounter a wide range of behaviors, officers must be prepared to utilize a range of force options that are reasonable and necessary to maintain and/or reestablish control by overcoming resistance to the officer's lawful authority while minimizing injuries.

Because there are an unlimited number of possibilities, allowing for a wide variety of circumstances, no written directive can offer definitive answers to every situation in which the use of force might be appropriate. Rather, this directive will set certain specific guidelines and provide officers with a concrete basis on which to utilize sound judgment in making reasonable and prudent decisions.

III. DEFINITIONS

A. DE-ESCALATION

The ability of the officer based on his or her risk assessment and the perceptions of the subject's degree of compliance to discontinue the use of force once the resistance or threat of bodily harm has been overcome.

B. REASONABLE BELIEF

Reasonable belief exists when the facts or circumstances an officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances. [1.3.2](#)

C. OBJECTIVELY REASONABLE

In determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject and the danger to the community.

D. PROBABLE CAUSE

Probable cause for arrest exists if, at the time of the arrest, the facts known to the arresting officer (or within the collective knowledge of the police) are reasonably trustworthy and are sufficient to warrant a person of reasonable caution and prudence to believe that the person being arrested has committed or is committing the crime for which the arrest is being made.

E. FORCE

Force is the amount of physical effort required by an officer(s) to gain compliance from a subject.

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F. LESS-LETHAL FORCE

That force which is likely to have less potential for causing death or serious bodily injury than the use of lethal-force. Less-lethal force is that degree of force which is neither likely nor intended to cause death or serious physical injury. It is usually employed as a defensive measure. Officers are trained and issued less-lethal police equipment including but not limited to OC Spray, Baton, and Taser in order to provide them with an advantage when fending off or subduing an assailant.

G. LETHAL-FORCE

That force which is likely to result in death or serious bodily injury. This includes but is not limited to the use of department-approved firearms. [1.3.2](#)

H. SERIOUS BODILY INJURY

A serious bodily injury is described as an injury that would create a substantial risk of death, cause serious permanent disfigurement, and/or result in extended loss or impairment of the function of any bodily member or organ.

I. COMPLIANT SUBJECT

A subject who submits to the officer's authority and direction through either words or actions.

J. NON-COMPLAINT SUBJECT

A subject who does not submit to the officer's authority and direction through either words or actions.

K. USE OF FORCE MODEL

A model developed in 1991 by Dr. Franklin Graves, Federal Law Enforcement Training Center and Professor Gregory J. Conner, University of Illinois Police Training Institute (TM 1998). This model adopted by the Municipal Police Training Committee and the Lawrence Police Department is divided into five (5) levels which guide officers during use of force situations

L. CONTROL SUPERIORITY PRINCIPLE

The understanding and visualization method utilized to reinforce the inherent principle of officer force superiority over the subject's degree of compliance or non-compliance.

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- M. **WEAPONLESS PHYSICAL FORCE.** Weaponless physical force techniques, including distraction techniques, are those techniques an officer feels necessary to use to effect "Take Down and Control Holds" by generally using their hands. **1.3.6 d**
- N. **LESS LETHAL IMPACT DEVICES.** The Department has approved the following Less Lethal Impact Devices when used as an impact instrument by the officer to defend themselves or another from the threat of serious physical injury. **1.3.4**
*** Expandable Baton (ASP) 18"-26", Straight Baton 18"-26", Sapstick 8", Taser X26**

IV. POLICY

- A. Members of the Department shall use only that force which is objectively reasonable and necessary to accomplish lawful objectives. **1.3.1**
- B. Members of this Department may use lethal force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of serious physical injury. Officers may also use lethal force to prevent the escape and effect the arrest of an individual whom the officer has probable cause to believe has committed a felony involving the use, attempted use, or threatened use of lethal force and whom the officer reasonably believes will cause death or serious physical injury if apprehension is delayed. **1.2.2, 1.3.2**
- C. In each individual instance, lawful and proper force is restricted to only that force necessary to control and terminate unlawful resistance and to prevent any physical attack against the police officers or any other person.

V. CONTINUUM OF FORCE

- A. The officer's response options within each of the five (5) force levels identified in the USE OF FORCE MODEL are not necessarily listed in the order of use and or need. The officer may de-escalate, stabilize, or escalate his or her response based upon his or her risk assessment and the perceptions of the subject's degree of compliance or non-compliance.

The force tactics listed in each of the five (5) force levels identified in the USE OF FORCE MODEL are those tactics that the officers are trained in. The Lawrence Police Department recognizes that there are other methods and tactics that can be used at each level of authority. If a tactic is used that is not listed it must be objectively reasonable as it relates to the officer's risk assessment and the subject's actions.

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B. USE OF FORCE MODEL

- | | | |
|----|---------------------------------|----------------------|
| 1. | Perceived Subject Action(s) | Compliant |
| | Perceived Circumstances | Strategic |
| | Reasonable Officer Responses(s) | Cooperative Controls |

Cooperative Controls include but are not limited to Officer Presence, verbalization, relative positioning, contact/cover tactics, the control superiority principle, frisk techniques, searching techniques, handcuffing, and transporting.

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|----|---------------------------------|-------------------|
| 2. | Perceived Subject Action(s) | Passive Resistant |
| | Perceived Circumstances | Tactical |
| | Reasonable Officer Responses(s) | Contact Controls |

Contact Controls include but are not limited to Officer Presence, escort tactics, handcuffing tactics, and pain compliance techniques.

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|----|---------------------------------|-----------------------|
| 3. | Perceived Subject Action(s) | Active Resistant |
| | Perceived Circumstances | Volatile |
| | Reasonable Officer Responses(s) | Compliance Techniques |

Compliance Techniques include but are not limited to arm bar techniques, wrist lock techniques, Oleoresin Capsicum (O.C.) Spray, and Electronic Control Weapons (Taser) in “drive stun” mode.

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|----|---------------------------------|--------------------------|
| 4. | Perceived Subject Action(s) | Assaultive (Bodily Harm) |
| | Perceived Circumstances | Harmful |
| | Reasonable Officer Responses(s) | Defensive Tactics |

Defensive Tactics include but are not limited to knee strikes, elbow strikes, hand strikes, foot strikes, and impact weapons including but not limited to straight batons, expandable straight batons, specialty impact munitions, and Electronic Control Weapons (Taser) in “probe deployment” mode.

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5. Perceived Subject Action(s) Aggravated Assaultive (Serious Bodily Harm, Death)

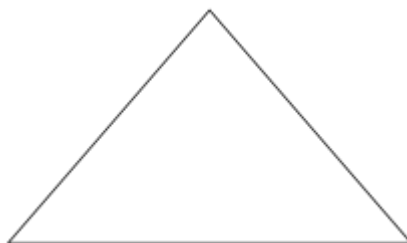
Perceived Circumstances Lethal

Reasonable Officer Responses(s) Deadly Force

Deadly Force includes but is not limited to handguns, shotguns, patrol rifles, and sniper rifles.

C. THE TOTALITY TRIANGLE

Perceived Circumstances



Perceived Subject Action (s)

Reasonable Officer Response (s)

The totality triangle depicts the three (3) elements which must be considered in order to determine whether or not an application of force was objectively reasonable. Those elements are as follows; perceived circumstances, perceived subject actions, and reasonable officer responses.

1. PERCEIVED CIRCUMSTANCES

The officer's perspective of the severity of any crime, the existence of an immediate safety threat to the officer or others, and the degree of compliance or non-compliance from the subject; culminating in its identification on the USE OF FORCE MODEL.

2. PERCEIVED SUBJECT ACTION(S)

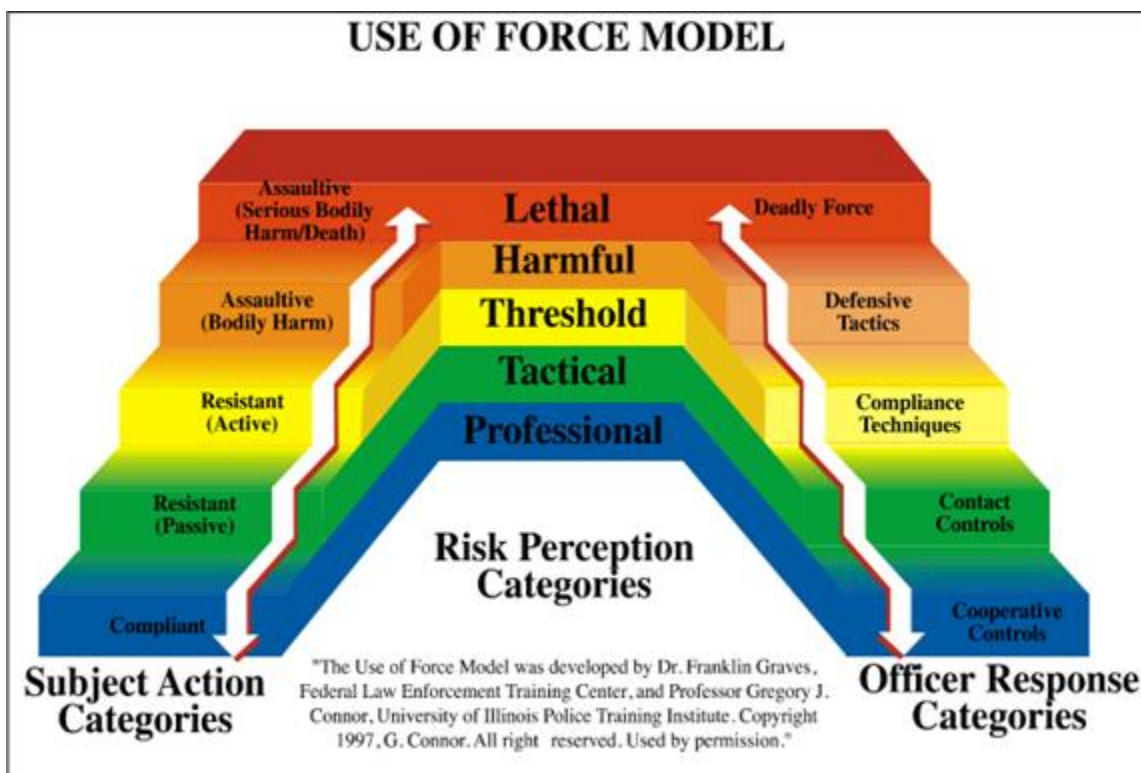
The subjects action(s) as perceived by the reasonable officer that designate the subject at one or more of the USE OF FORCE MODEL'S compliant or non-compliant categories.

3. REASONABLE OFFICER RESPONSE(S)

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The “balanced” response(s) appropriate for the reasonable officer’s selection from the USE OF FORCE MODEL’S identified response categories, in order to maintain or gain subject compliance and control.

D. USE OF FORCE CHART



Assessment/Selection Arrows (Escalation/De-escalation) the mechanism utilized to indicate the dynamic nature of an officers decision-making process of Tactical Transition during the enforcement encounter.

VI. PARAMETERS: PHYSICAL AND LESS LETHAL FORCE

The application of physical and less lethal force by a police officer in the performance of duty is generally limited to the following situations;

- A. In self-defense, or defense of another, against unlawful violence or attack to his person or property; or **1.3.4**
- B. To overcome resistance to arrests, to conduct searches and seizures, and to prevent escapes from custody; or

- C. To preserve the peace, prevent the commission of offenses, or prevent suicide or self-inflicted injury. **1.3.4**
- D. The officer's response within each of the five (5) force levels identified in the USE OF FORCE MODEL are not necessarily listed in order of use or of need. The officer may de-escalate, stabilize or escalate his or her response based upon his or her risk assessment and the perceptions of the subject's degree of compliance or non-compliance. The force tactics listed in each of the five (5) force levels identified in the USE OF FORCE MODEL are those tactics that can be used at each level of authority. If a tactic is used that is not listed it must be objectively reasonable as it relates to the officer's risk assessment and the subject's actions.

VII. PROCEDURES: PHYSICAL AND LESS LETHAL FORCE

- A. Only issued or approved equipment will be carried on duty and used when applying any level of less lethal force. **1.3.4**
- B. Use of restraining devices is mandatory on all prisoners, unless in the officer's judgment unusual circumstances exist which make the use of restraining devices impossible or unnecessary (e.g., prisoner is handicapped, etc.). The mere placing of handcuffs on a prisoner will not be construed to be a use of physical force. **1.3.4**
- C. The use of neck restraints or control techniques, commonly known as choke holds, have a potential for serious injury therefore are not authorized unless the circumstance(s) warrant the use of deadly force. **1.3.4**
- D. If an officer points their firearm or deploys a defensive weapon against an individual a report of that incident shall be filed.
- D. **After any level of physical or less-lethal force is used, the officer shall immediately evaluate the need for medical attention or treatment for that person upon whom the force was used and arrange for such treatment when: 1.3.5**
 - 1. That person has a visible injury; or,
 - 2. That person complains pain.

NOTE: Any person requesting and/or deemed in need of immediate medical attention shall be transported by ambulance (in accordance with departmental transportation procedures) to the nearest available emergency treatment center or hospital. All medical treatment received shall be noted in the officer's report.

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- E. The officer shall promptly notify his immediate supervisor of the incident.
- F. The officer shall attempt to locate and identify all witnesses, documenting their statements.
- G. The officer shall prepare and submit all required reports including. If more than one officer is involved in a use of force incident resulting in an injury, each officer shall complete a separate report outlining his actions and observations in the incident. **1.3.6 a, b, c, d**
- H. Whenever practical, the Patrol Supervisor should respond to the scene of an incident whenever an officer applies physical force resulting in visible injury or complaints of pain, or deploys either less-lethal or lethal weapons. **Additionally, the Patrol Supervisor shall; 1.3.5, 1.3.6 b, c, d; 1.3.7; 1.3.13**

1. Ensure that officers receive any necessary assistance, including medical treatment, and that any injuries to officers are properly documented. **1.3.5**

2. Ensure that the need for medical treatment for the prisoner is properly evaluated and provided. **1.3.5**

3. Determine if additional investigative resources are required.

4. Document the incident by taking photographs, measurements, and witness statements, when appropriate.

NOTE: A photograph showing no injury may be as important as one which shows injury.

5. Review the Officer's report and file an incident report and forward any findings and/or recommendations as to the necessity for further investigation, to the attention of the O.I.C. **1.3.7**

6. All Officers-in-Charge, subordinate supervisors and the Professional Standards Supervisor will conduct a written review of all reports concerning each incident where less-lethal or lethal force has been utilized. **1.3.7**

7. The Professional Standards Supervisor shall also conduct an annual audit of all Subject Officer Reports and Supervisor Reports (firearms, defensive weapons, Taser, pursuits etc.) which may indicate additional or improved training methods, policy modifications and or equipment upgrades. **1.3.7; 1.3.13**

VIII. LESS LETHAL WEAPONS 1.3.4

All officers shall be properly trained, and certified when appropriate, in the use of any of less-lethal weapons such as batons, chemical substances (O.C. Spray), specialty impact munitions (S.I.M.S.), and Electronic Control Weapons (Taser), before being authorized to carry such weapons. 1.3.4; 1.3.10

A. Chemical Substances (O.C. Spray)

1. Chemical substances may be used when physical force is necessary to:
 - a. Protect an officer or other person from an assault;
 - b. Subdue a person who resists arrest; or
 - c. Control persons engaged in riotous or volatile conduct.
2. It is preferred that chemical substances not be used if resistance is passive and not hazardous, or if a lesser degree of force would reasonably achieve the same end.

NOTE: No tactical advantage is realized by indiscriminate use of chemical substances against non-combative persons.

3. Chemical substances are not intended to be a substitute for other weapons in situations in which the use of other weapons is more appropriate.
4. Officers may only carry electronic weapons compatible Oleoresin Capsicum (O.C.) Spray. Officers shall be properly trained in the use of O.C. Spray before being authorized to carry it.
5. When a chemical substance is used, decontamination and/or first aid shall be administered as soon as practicable under the circumstances. Officers shall transport sprayed subjects to the hospital for treatment when they complain of condition (e.g., asthma, emphysema, bronchitis, heart ailment, etc.) that may be aggravated by the application of OC spray. It is mandatory after Taser deployment to transport the subject by ambulance to a medical facility for probe removal. 1.3.5
6. Once the subject has been secured and resistance has ceased, the officer should make every reasonable effort to relieve the discomfort of the subject by;

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- a. Moving the subject into fresh air. Moving air and natural body action should remove all symptoms in thirty minutes or less.
 - b. If conditions permit, allow the subject to rinse the affected area with clear cool water. Clear cool water should relieve eye inflammation in about four minutes.
 - c. Communicate to the subject that he or she is OK and should relax and breathe normally.
7. Seek medical attention if the subject exhibits a combination of the following symptoms;
 - a. Elevated body temperature.
 - b. Known cocaine or other drug user.
 - c. Impaired thinking, disorientation, delusions, paranoia, or bizarre behavior.
 - d. Known psychiatric patient not taking medicine.
 - e. Extended active resistance.
8. If it appears the subject is having little or no relief from the effects of OC after a period of sixty (60) minutes seek medical attention.
9. Although considered a lesser degree of force than the use of a baton, the use of chemical substances should be carefully considered in the following instances;
 - a. When in close proximity to innocent bystanders and uninvolved third parties.
 - b. When in close proximity to the offender in a confined space.
10. It is preferred that chemical substances not be used when a subject is handcuffed unless exigent circumstances exist and a lesser degree of force would not reasonably achieve the same end.
11. The officer involved will file the appropriate reports whenever a chemical substance is deployed. (See Section XII) **1.3.6 c, d**

B. Police Baton

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1. The Lawrence Police Department authorizes three (3) baton instruments for use as weapons against assailants in accordance with the following guidelines;
 - a. The straight baton (a basic nightstick 18 to 26 inches long).
 - b. The flat black lead weighted “Sapstick” for detectives and officers in administrative or plain-clothes assignments. Only the flat 8 inch “Sapstick” may be carried, not the round “billy” or “sap”.
 - c. The expandable straight baton (18 to 26 inches long).
2. The baton may be used:
 - a. As a restraining or come-along tool in instances where verbalization and physical strength have failed or would obviously be futile.
 - b. As a defensive weapon to ward off blows.
 - c. As a defensive weapon to deliver disabling blows to non-vital areas of the body as a means to halt or deter a subject when all lesser means of applying non-deadly force have failed or would obviously be futile. An officer is justified in using this type of force under the following circumstances;
 - i. To overcome the violent resistance of an arrestee.
 - ii. To overcome an assault on an officer or a third party.
 - iii. To deter persons engaged in riotous or violent conduct
 - iv. To repel, overcome, or otherwise deter persons engaged in the infliction of bodily harm or serious bodily harm.
3. When the use of the baton is necessary, these guidelines should be followed;
 - a. Blows capable of inflicting possibly fatal or permanent injury should be avoided unless the situation at hand warrants the use of deadly force.
 - i. Blows to the head, temple or throat can result in serious injury or even death.
 - ii. Blows to the abdomen, groin or kidney areas may result in permanent disability.
 - b. The level of force used may increase as the perceived threat increases.

4. Any time the police baton is used to strike a person, or a subject is injured when applying a takedown or come-along hold medical treatment shall be provided and the appropriate reports must be completed. [1.3.5](#)

C. Electronic Control Weapons (Taser)

Police Officers who are issued Electronic Control Weapons (Taser) are trained in their use, for self-protection and for the protection of the public. Electronic Control Weapons (Taser) procedures are addressed in [Policy No. 107 Electronic Control Weapons](#).

IX. LETHAL FORCE: GENERAL CONSIDERATIONS AND GUIDELINES

The purpose of the following section is to set forth guidelines for members of this Department in making decisions regarding the use of lethal force. The guidelines have been developed with serious consideration for the safety of both the police officers and the public, and with the knowledge that officers must sometimes make split second decisions in life and death situations.

The value of human life is immeasurable in our society. This Department places its highest value on the life and safety of its officers and the public. The department's policies and procedures are designed to ensure that this value guides police officers in their use of lethal force.

The citizens of the Commonwealth have vested in their police officers the power to use lethal force in the exercise of their service to society. Police officers are allowed to use lethal force as a means of last resort to protect themselves and others from the immediate threat of death or serious physical injury. Even though all officers must be prepared to use lethal force when necessary, the basic responsibility of police officers to protect life also requires that the utmost restraint be exercised in its use and that officers exhaust all other reasonable means before resorting to the use of lethal force.

X. PARAMETERS: LETHAL FORCE

A member of this Department is authorized to use lethal force only when there is no less drastic means available to;

- A. Defend himself/herself or another from unlawful attack which he reasonably perceives as an immediate threat of death or serious physical injury; or
- B. Effect an arrest, only when:
 1. The arrest is for a felony; and
 2. The officer reasonably believes that:

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- a. The force employed creates no substantial risk of injury to innocent persons; and
 - b. The crime for which the arrest is made involved the use or attempted use, or threatened use of deadly force; and
 - c. There is substantial risk that the person to be arrested will cause death or serious physical injury if his apprehension is delayed.
- C. Where feasible, officers shall identify themselves as police officers and give some warning before using lethal force.
- D. In the event that use of lethal force becomes necessary, the officer shall immediately render appropriate medical aid for that person upon whom the force was used, activate the EMS system and arrange for transportation to the hospital for further treatment as necessary. **1.3.5**

NOTE: Any person requesting and/or deemed in need of immediate medical attention shall be transported by ambulance (in accordance with departmental transportation procedures) to the nearest available emergency treatment center or hospital. All medical treatment received shall be noted in the officer's report. **1.3.5**

*** Warning shots are strictly prohibited. 1.3.3**

XI. FIREARMS PROCEDURES

Police Officers are issued firearms and trained in their use, for self-protection and for the protection of the public. Firearms procedures are addressed in [Policy No. 103 Firearms](#).

XII. REPORTING USE OF FORCE

Whenever an officer discharges a department authorized firearm or applies physical force resulting in visible injury or complaints of pain, or deploys either less-lethal or lethal weapons (including but not limited to **Batons, O.C. Spray, Specialty Impact Munitions, or Electronic Control Weapons, and Firearms.**) He/she shall file an incident report. As with all incident reports, officers are required to select from a mandatory field within the department's incident report writing software (QED) denoting whether or not force was used and, if so, what level and type was utilized. The incident report will be received and investigated according to the procedures outlined in Sections XIII. **1.3.6 a, b ,c ,d**

XIII. USE OF FORCE REPORTING AND INVESTIGATION **1.3.6**

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The following procedures shall govern the proper reporting and investigation of use of force incidents involving officers both on-duty and off-duty;

- A. Officers shall note all relevant facts and circumstances associated with their use of force within an incident report.
- B. When the application of physical force results in death or visible injury or complaints of pain, or either less-lethal or lethal weapons are deployed the officer's incident report shall contain: **1.3.6 a, b, c, d**
 - 1. The names and addresses of any witnesses or otherwise involved parties.
 - 2. The extent of and treatment of any injuries.
 - 3. The name of the treatment facility and doctor administering treatment (if applicable).
 - 4. The reasons and circumstances that required the use of force.
 - 5. *NOTE:* There are additional reporting requirement associated with the use of Electronic Control Weapons. Please refer to **Policy No. 107 Electronic Control Weapons**.
- C. Upon notification of the use of force by subordinate personnel, the Official-in-Charge of the police station shall:
 - 1. Review the report(s) describing the use of force, and all other related reports. **1.3.7**
 - 2. Ensure that the use of force conforms to department policy and procedures.
 - 3. If the Official-in Charge determines that the use of force does not conform to department policy and procedure he or she will notify the Internal Affairs Division and the Chief of Police.
 - 4. The Official-in-Charge will forward all reports to the Chief of Police or his/her designee.
- D. The Chief of Police or his/her designee shall be responsible for the following:
 - 1. Ensure that a thorough investigation was conducted and that all reports were prepared and submitted.
 - 2. Review all reports submitted to determine whether the use of force was in compliance with department policy and procedures. **1.3.7**

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3. If the reports were forwarded to an officer designated by the Chief of Police, he/she shall prepare a report to the Chief regarding the incident and how it was handled, including any comments and recommendations he/she may have.
- E. All reports concerning use of force incidents shall be forwarded to the Chief of Police who, upon reviewing said reports, will take any action he/she deems appropriate.

XIV. ADMINISTRATIVE RELIEF FROM DUTY DUE TO THE USE OF LETHAL FORCE OR SERIOUS PHYSICAL INJURY 1.3.8

- A. In instances in which officers use lethal force and that lethal force results in either in the death or serious bodily injury of another, the following steps shall be taken;
 1. The officer will be placed on Administrative Leave with Pay after completing all internal investigative requirements and will remain on Administrative Leave with Pay until it is determined by a Mental Health Professional that the police officer is ready to return to work. 1.3.8
 2. The involved officer will be given the opportunity to call his family as soon as possible to avoid the possibility of their learning about the incident through other than official sources.
 3. The involved officer is prohibited from speaking with the press. All information regarding the incident will be disseminated through the Office of the Chief of Police.
- B. Assignment to Administrative Leave with Pay status shall be with no loss of pay or benefits.
- C. Relief from duty with full pay and benefits is intended to serve two purposes:
 1. To address the personal and emotional needs of the involved officer.
 2. To assure the community that verification of all the facts surrounding such incidents are fully and professionally explored.
- D. An officer so relieved from regular duty status and assigned to an Administrative Leave with Pay status shall remain on leave until the investigation is concluded and his emotional needs have been met. Officers on Administrative Leave shall assure their availability to the department and/or State Police Investigators to assist, when necessary, in the investigation of the incident. 1.3.8
- E. Whenever an officer is involved in a lethal force incident or a use of force incident involving serious injury or death, the officer will be referred to the Employee Assistance Program or similar resource provider.

